

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

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FRIDAY, THE TENTH DAY OF FEBRUARY

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.2473 OF 2006

Between:

Bavigadda Prabhakar & Ors. ... Petitioners

Versus

The District Collector,

Anantapur,

Anantapur district & Anr. ... Respondents

Counsel for the Petitioner: Mr.Goalla Seshadri (7694)

Counsel for the Respondents: GP for Revenue

O R D E R :

This writ petition is filed to declare the action of the respondents in trying to dispossess the petitioners from their peaceful possession and enjoyment of the lands, admeasuring Ac:0-88 cents in survey no.276-22 and Ac:0-890 cents in survey no.276-23 situate at Chitravathi field, Puttaparthi village and Mandal, Anantapur district, without issuing any notice and without following due process of law, as arbitrary, illegal and in violation of the principles of natural justice.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

It is stated that the Mandal Revenue Officer, Puttaparthi Mandal of Anantapur district granted licence for planting trees in Government Poramboke in favour of the petitioners in an extent of Ac:0-88 cents in survey no.276-22 and Ac:0-89 cents in survey no.276/23 situate at Chitravathi field, Puttaparthi Mandal, Anantapur district, through Proceedings D.Dis.No.1277/94 {E} dated 13-1-1995. Thereafter, the petitioners have planted mango, sapota, tamarind etc.

It is further stated that as per conditions of the licence, the Mandal Revenue Officer, Puttaparthi is entitled to remove the trees at any time without paying compensation and the said licence is subject to the cancellation if the trees are not completely planted within the said extent from the date of grant to the licence or not properly looked after. The usufruct of the trees and the times will be at the disposal of the licences, subject to the condition that in case fruit trees which are usually taxed are planted etc., and that the trees shall not be cut without prior permission of the Mandal Revenue Officer.

It is stated that without issuing any notice or without following due process of law, the second respondent is threatening to dispose the petitioner from enjoyment of the said extent of land in question.

It is stated that the petitioner has not violated any conditions of the licence granted for planting trees in Government Poramboke, and if there is any violation, it is always open for the respondents to take appropriate action in accordance with law.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the writ petition, I deem it appropriate to direct the second respondent not to dispose of the petitioners from the land in question without following due process of law.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

FEBRUARY 10th, 2005. -----

I s L. V. ESWARAIAH, J.